

Notice of Allowability

Application No.

10/813,045

Examiner

Francis T. Palo

Applicant(s)

BEMBEN, KELLY

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/31/04 Filing.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 31 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/31/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Francis T. Palo
Examiner
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DETAILED ACTION

Allowable Subject Matter

Claims 1-8 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art of record all failed to show alone and/or in combination a bed (for containing growing medium) having a base comprising a shoulder, a trough, a raised center portion and a perforated (growing medium) baseplate supported by the shoulder and the raised center portion of the base, as cited in the instant independent claim.

The arts are replete with beds comprising a shoulder and trough/drain means as well as structural ribs for reinforcing the bed and structure for supporting the beds; what is not specifically evident in the arts is a raised central bed portion in combination with and supporting a baseplate as cited.

Larner AU 9944829 is the closest teaching of a portable garden having a bed and trough/drain and structural ribs and supporting assembly; the assembly of Larner lacks the shoulder and raised central base portion supporting a baseplate, as cited.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bates '727, Kertesz '653, Lyon '720, Flowers '479, Sporer '398 and Shepherd '425 all teach portable gardening stations or assemblies capable of functioning as such, and all lack in common a raised central bed portion in combination with a bed shoulder for supporting a perforated baseplate as cited in the instant invention.

Ayres '579 and Spear '515 teach carts having support ribs underneath and Ayres teaches a bed with a shoulder and raised central bed portions; Ayres lacks a perforated baseplate supported by the shoulder and raised central portion(s) as cited.

Small '586 teaches a bed having a trough.

Flowmagic 'EP-702 teaches a bed having shoulders and two raised central portions, but lacks the relationship of the shoulder and raised portion for supporting an absent perforated baseplate and sloped drainage trough as cited.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Francis T. Palo whose telephone number is 703-305-5595. The examiner can normally be reached on M-Tu.,Th.-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Francis T. Palo
Examiner
Art Unit 3644



PETER M. POON
SUPERVISORY PATENT EXAMINER